

APPROVED: Meeting No. 31-97

ATTEST: *Paula Jewell*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 17-97

April 8, 1997

The Mayor and Council of Rockville, Maryland, convened in Worksession in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on April 8, 1997, at 6:35 p.m.

PRESENT

Mayor Rose G. Krasnow

Councilmember Robert E. Dorsey

Councilmember James T. Marrinan

Councilmember Glennon J. Harrison

Councilmember Robert J. Wright

In attendance: City Manager Rick Kuckkahn, City Clerk Paula Jewell and City Attorney Paul Glasgow. Also present were Deputy City Manager Julia Novak and Community Development Program Manager Ed Duffy.

The Mayor and Council met briefly with Lee Palman from the Department of Housing and Urban Development to discuss the Rockville Housing Authority. Rockville Housing Authority members present were John Pontius (arrived at 6:50 p.m.), Lloyd Welter, Henry Battle, and RHA Attorney Ken Tecler.

Mr. Palman explained that HUD conducted a very preliminary assessment review of RHA, and although the newspaper reported that the review was completed, it was not. He said that HUD officials were also awaiting audit reports from Peat Marwick, RHA, and the Army Corps of Engineers report on the RHA modernization

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program. Mayor Krasnow explained that on April 7, the Mayor and Council brought charges against Ms. McAndrew and temporarily suspended her as Chair of the housing authority. A hearing on the charges was scheduled for May 7, 1997.

Re: Worksession with Board of Appeals

The Mayor and Council met with Board of Appeals Chairman Jim Moone and members Alan Sternstein, Paul Haines, and Karen Lechter. Also present were Planner Castor Chasten (staff liaison to the Board) and Community Development Director Neal Herst. The following issues were discussed:

1. Processing time for Special Exception and Zoning Variance applications - Special Exception and Variance applications are to be heard at the first regularly scheduled public hearing that occurs 37 days after an application is filed. The Board feels that the Rules of Procedure should be changed to lengthen the processing time of applications. The Mayor and Council agreed with the Board's recommendation to change the processing time to 60 days.
2. Approval of de minimus changes - The Board recommended an amendment to the Zoning Ordinance to allow staff to approve proposed de minimus changes to previously approved special exceptions, thereby eliminating the requirement to file a new application request. Mr. Herst indicated that staff could establish some language that would accelerate the review of these applications by the Board, instead of having them go through the entire process. The Mayor and Council like the idea of a description or

analysis of each de minimus change appearing on the Board's agenda.

3. Standard Traffic Methodology (STM) - The Board of Appeals felt that the STM should be amended to require traffic impact study analyses for both weekday and weekend peak hour usage. Mr. Herst said that language could be drafted to deal with the changing traffic methodology in Rockville and to give staff greater flexibility in determining the types of uses which might need to be assessed differently because of traffic impacts created during weekends, e.g., car washes and fast food restaurants.

4. Parking standards - The Board recommended an amendment to the parking standards to allow shared parking for different uses on the same lot if those uses were operational at different times of the day (e.g., nursing homes and day care centers).

5. Uncovered deck encroachments - An amendment to the Zoning Ordinance is being recommended to allow uncovered decks to encroach greater than 9 feet into front and rear yard setback areas. The Mayor and Council discussed options such as requiring developers to build less townhouses and allow up to 12-foot wide decks, or allowing up to a 12-foot wide deck without a variance. Staff was asked to prepare a summary of the different layouts for existing townhouses in the City. Staff was also asked to review what could be expected with the 1,600 townhouse units to be developed on the King Farm.

6. Uniqueness requirement for granting variances - The Board is concerned about standards for granting zoning variances; the Board must find that conditions exist which are deemed "unique and/or peculiar" to a property. This required finding makes it

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difficult to render decisions to approve or deny applications. City Attorney Glasgow suggested that the City might want to use the State Delegation's help in drafting legislation that would give local governments more flexibility in granting these types of variances. Mr. Glasgow indicated that he would follow up on this issue. He also noted that the State Zoning Code legislation (Article 66B) might be up for review since a review had not been done since 1969.

The Worksession with the Board of Appeals concluded at 8:45 p.m.

Re: Worksession with Animal  
Matters Board (AMB)

The Mayor and Council met with Animal Matters Chair Kristen Bender. Also present were Public Safety and Community Services Director Terry Treshcuk and Police Captain Mike England. Ms. Bender noted that other members of the Board were unable to be present since the Worksession date changed as a result of the 3/24/97 bomb scare. Ms. Bender talked about the professional backgrounds of the other members (Gayle Byrne, John Maher, and R. Lucille Roberts). Ms. Bender then reported on the following items: The Board heard 20 cases in 1994; 10 cases in 1995; 17 cases in 1996 and had recently completed their first case of 1997. She said that the goal for the Board was to mediate petitions and to provide education and counseling on responsible ownership, maintenance and treatment of animals to pet owners. She said that the AMB attempted to mediate cases early in the process so that they don't have to be referred to the Animal Review Officials.

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Mr. Treschuk noted that the AMB maintained a fairly stable rate of cases; he noted that Animal Review Officials average 60 cases per year.

Ms. Bender said that the Board would like the City's web page to include information about the City's Animal Ordinance and off-leash testing. The Board would also like to increase publicity about the off-leash testing program. Councilmember Harrison suggested that the Board use the City's cable television station for this.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 8:55 p.m., to convene again in General Session at 7:30 p.m. on April 14, 1997, or at the call of the Mayor.